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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,928	11/19/2003	James VanCleave	72793/00015	6424

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TUCKER ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1414		

EXAMINER	
SENI, BEHROOZ M	

ART UNIT	PAPER NUMBER
2621	

NOTIFICATION DATE	DELIVERY MODE
12/14/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@tuckerellis.com
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Office Action Summary

Application No.

10/716,928

Applicant(s)

VANCLEAVE ET AL.

Examiner

Behrooz Senfi

Art Unit

2621

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-35 and 37 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/7/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 5, 9 – 10, 15 – 19, 25, 27, 28, 30, 34 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Dozier et al. (US 5,751,345).

Regarding claim 1, Dozier discloses, a transaction system (i.e., fig. 1, transaction system 10) comprising; an image input apparatus (i.e., figs. 1 and 3, cameras tower 62 – 66, including cameras 68 – 72 used as an image input), an advertising apparatus (i.e., fig. 1, displays 80 – 84 consider as advertising apparatus, col. 4, lines 1 – 17), a controller for activating the image input apparatus and the image output apparatus (i.e., figs. 1 and 2, unit 12 including processor 132, abstract, lines 6 – 13, col. 2, lines 6 – 27).

Regarding claim 2, Dozier discloses, wherein the system is a point of sale terminal (i.e., the video towers 62 – 64 shown in fig. 1, consider as point of sale terminal, col. 3, lines 65 – col. 4, lines 3).

Regarding claim 3, Dozier discloses, wherein the system is an automated teller machine (i.e., fig. 1, shows teller stations 40 – 44).

Regarding claim 4, Dozier discloses, the image input apparatus comprising a camera (i.e., fig. 1, cameras 68 – 72 and 26 – 30).

Regarding claim 5, Dozier discloses, the advertising apparatus comprising a display (i.e., fig. 1, displays 80 – 84 used for general advertising).

Regarding claims 9 - 10, Dozier discloses, the transaction system of claim 1 further comprising a data input device, and keypad (i.e., fig. 1, keyboard 102 consider as data input device).

Regarding claim 15, Dozier discloses, a transaction system (i.e., fig. 1, transaction system 10), an image input apparatus (i.e., figs. 1 and 3, cameras tower 62 – 66, including cameras 68 – 72 used as an image input), an advertising apparatus (i.e., fig. 1, col. 4, lines 1 – 17), at least one data input apparatus selected from the group consisting of a touch screen, a keypad, and a card reader (i.e., fig. 1, keyboard 102 consider as keypad as claimed), a controller responsive to the at least one data input apparatus for activating the image input apparatus and the image output apparatus (i.e., figs. 1 and 3, controller 12 used for activating image input and output), a database communicatively coupled to the image input apparatus and the data input apparatus, and responsive to the controller, the database storing transaction data received by the data input apparatus and an image received by the image input apparatus (i.e., fig. 1, disk drive 112 consider as database for storing transaction data and images, abstract, lines 6 – 21, col. 2, lines 6 – 27).

Regarding claims 16 – 19, the limitations claimed are substantially similar to claims 2 – 5, thus have been analyzed and rejected with respect to claims 2 – 5.

Regarding claim 25, Dozier discloses, a method for obtaining an image corresponding to a transaction (i.e., fig. 1, transaction system 10 using cameras to

obtain image corresponding to a transaction), comprising; receiving transaction data (i.e., figs. 1 and 3, video and data channel selector in unit 12, used to receive transaction data), activating an advertising device (i.e., display device shown in fig. 1, is activated and can be used for general advertising purpose, col. 4, lines 1 – 17) and activating an image input device and obtaining the image (i.e., cameras as shown in fig. 1, being activated through controller to capture images, abstract, lines 13 – 16, col. 6, lines 32 – 56).

Regarding claim 27, Dozier discloses, storing the transaction data with an image obtained by the image input device (i.e., fig. 1, disk drive 112 for storing transaction data received by the data input device with images received by the first image input apparatus and the second image input apparatus, abstract, lines 6 – 21, col. 2, lines 6 – 27).

Regarding claims 28, 37, the disclosure of Dozier as shown in fig. 1, covers the claimed synchronizing the image input device, e.g., camera, to operate with the advertising device, e.g., display device, since the image produced by the camera has to be synchronized with the display, e.g., advertising device.

Regarding claim 30, Dozier discloses, wherein the advertising device displays a static image i.e., fig. 1, display 80 shows the static image).

Regarding claim 34, Dozier discloses, an apparatus for storing transactional data and visual images (i.e., fig. 1), comprising: at least one data input apparatus selected from the group consisting of a touch screen, a keypad, and a card reader (i.e., fig. 1, keyboard 102 consider as keypad used for entering data/information), a first image input

apparatus; a second image input apparatus (i.e., the cameras shown in fig. 1, consider as first and second image inputs), and a database communicatively coupled to the first image input apparatus and the second image input apparatus, and responsive to the data input apparatus, the database storing transaction data received by the data input device with images received by the first image input apparatus and the second image input apparatus (i.e., fig. 1, disk drive 112 consider as database for storing transaction data received by the data input device with images received by the first image input apparatus and the second image input apparatus, abstract, lines 6 – 21, col. 2, lines 6 – 27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 – 8, 11 – 14, 20 – 24, 26, 29 and 32 - 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dozier et al. (US 5,751,345) in view of Matsuyama et al. (US 2003/0060897).

Regarding claim 6, Dozier discloses, a transaction system (i.e., fig. 1, transaction system 10) comprising; an image input apparatus (i.e., figs. 1 and 3, cameras tower 62 – 66, including cameras 68 – 72 used as an image input), an advertising apparatus (i.e., fig. 1, displays 80 – 84 consider as advertising apparatus, col. 4, lines 1 – 17).

Dozier is silent in regards to explicit of advertising apparatus comprising an “audio output device” as specifies in the claim.

However, Matsuyama in the same field (i.e., fig. 1, page 3, paragraph 0054) teaches display unit 14 for releasing commercial images, e.g., advertisement, and sounds, e.g., audio, to be displayed on the aforementioned display device.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the transaction system of Dozier in accordance with the teaching of Matsuyama, to release commercial images and sounds for users with high appealing power, as suggested by Matsuyama (i.e., page 8, paragraph 0123).

Regarding claim 7, for the limitation “audiovisual” as claimed, please see claim 6 above.

Regarding claim 8, Dozier discloses, a transaction system (i.e., fig. 1, Transaction system 10) comprising; an image input apparatus (i.e., figs. 1 and 3, cameras tower 62 – 66, including cameras 68 – 72 used as an image input), an advertising apparatus (i.e., fig. 1, displays 80 – 84 consider as advertising apparatus, col. 4, lines 1 – 17), and a controller for activating the image input apparatus and the image output apparatus (i.e., figs. 1 and 2, unit 12 including processor 132, abstract, lines 6 – 13, col. 2, lines 6 – 27).

Dozier is silent in regards to explicit of “activate the advertising apparatus prior to activating the image input apparatus” as specifies in the claim.

However, Matsuyama in the same field (i.e., fig. 1, page 3, paragraph 0054) teaches the above subject matter, the display unit 14 (e.g., advertising apparatus) is independently activated and the image input apparatus (i.e., camera) is used to measure the effect of advertisement.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the transaction system of Dozier in accordance with the teaching of Matsuyama by activating the advertising apparatus (display) prior to activating the image input apparatus (camera), to measure the effect of the advertisement, as suggested by Matsuyama (i.e., page 8, paragraph 0123).

Regarding claims 11 - 12, the combination of Dozier and Matsuyama teaches, touch screen (i.e., page 6, paragraph 0096 of Matsuyama) and card reader, (i.e., page 6, paragraph 0093 of Matsuyama).

Regarding claim 13, the limitations claimed are substantially similar to claim 8, therefore the rejection of claim 8 also applies here. As for the limitation, controller, please see, claim 1 above and in addition fig. 1 of Matsuyama teaches the above subject matter.

Regarding claim 14, the combination of Dozier and Matsuyama teaches, a database communicatively coupled to the image input apparatus and the data input apparatus, and responsive to the controller, the database storing transaction data received by the data input apparatus and an image received by the image input apparatus (i.e., fig. 1, disk drive 112 consider as database for storing transaction data and images, abstract, lines 6 – 21, col. 2, lines 6 – 27 of Dozier).

Regarding claims 20 – 24 and 26, the limitations claimed are substantially similar to claims 6 – 8 and 13, thus have been analyzed and rejected with respect to claims 6 – 8 and 13.

Regarding claim 29, the limitations claimed have are substantially similar to claim 8, therefore the ground for rejecting claim 8 also applies here.

Regarding claims 32 - 33, the combination of Dozier and Matsuyama teaches, audio and video broadcasting (i.e., page 4, paragraphs 0060 – 0061 of Matsuyama).

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dozier et al. (US 5,751,345) in view of Collins-Rector et al. (US 6,188,398).

Regarding claim 28, Dozier is silent in regards to, displays a video clip, as specifies in the claim.

Collins-Rector teaches (i.e., col. 4, lines 8) displaying a video clip.

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the transaction system of Dozier in accordance with the teaching of Collins-Rector by using the well known techniques of displaying a video clip on the display to deliver targeted advertisements that is synchronized to the video, as suggested by Collins-Rector (col. 1, lines 35 – 45).

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dozier et al. (US 5,751,345) in view of Blume et al. (US 2003/0038756).

Dozier is silent in regards to, first image input apparatus, e.g., camera, and the second image input apparatus, e.g., camera, are aligned along a vertical axes.

Blume teaches, first image input apparatus, e.g., camera, and the second image input apparatus, e., camera, are aligned along a vertical axes (i.e., figs. 3 and 5 of Blume shows the arrangement of cameras along a vertical axes).

In view of the above, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to use the camera arrangement as taught by Blume in transaction system of Dozier for capturing the surrounding environment for display, as suggested by Blume (i.e., page 1, paragraph 0002 and page 2, paragraph 0012).

Allowable Subject Matter

6. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrooz Senfi whose telephone number is 571-272-7339. The examiner can normally be reached on M-F 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Behrooz Senfi
Examiner
Art Unit 2621

